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September 9, 2008

Via Fax:

Honorable Paul A. Crotty
United States District Court
Southern District of New York
40 Centre Street, Rm 2102
New York, New York 10007

Re: Dikler v. City of New York et. al.
Civ No.: 07 CV 5984 (PAC)

Hon. Paul A. Crotty

I write on behalf of plaintiff in the above captioned civil rights matter. Previously, your Honor ordered that the City of New York would file its motion for summary judgment by August 26. Two requests to extend this time were made by the City of New York and both were denied. The City's motion has not yet been filed as of the time of this writing.

Therefore, I ask that your Honor now bar the City of New York from filing its Motion for Summary judgment, if it in fact intends to. At this time, plaintiff would have insufficient time to respond to both motions in order to keep the agreed upon motion schedule.

In addition, plaintiff previously requested to cross move for summary judgment. If the City is barred from filing its summary judgment motion, plaintiff would prefer to simply file an opposing brief to defendants HWA and Wilson Vega's motion rather than cross move

Thank-you for your consideration.

Very Truly Yours,

David A. Zelman, Esq.

Cc: Robert Dunn, Esq. (Via Fax: 212 267 5916)
Joyce Campbell-Priveterre, Esq. (Via Fax: 212 788 9776)

SO ORDERED: SEP 12 2008

Paul A. Crotty
HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED

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